



**Indiana
Family and Social Services Administration
Statewide Waiver Ombudsman Program**

**Annual Report
IC 12-11-13-1
December 1, 2016**

Annual Report: Statewide Waiver Ombudsman

Division of Disability and Rehabilitative Services (DDRS), Bureau of Developmental Disabilities Services (BDDS)

History:

The Indiana General Assembly created the Statewide Waiver Ombudsman Program in 1999 pursuant to Indiana Code 12-11-13-1. The program applies to an individual who has a developmental disability and receives services through a waiver under the federal home and community-based services program. The Bureau of Developmental Disabilities Services (BDDS) implements the home and community-based waiver programs for individuals with developmental disabilities.

Annual Report:

Indiana Code 12-11-13-13 requires an annual report on the operations of the program to be prepared. A copy of the report shall be provided to (1) the governor; (2) the legislative council; (3) the division; and (4) the members of the commission on developmental disabilities established by IC 2-5-27.2-2. The report to the commission shall be annually or upon request of the commission.

Purpose:

The Waiver Ombudsman receives, investigates and attempts to resolve complaints and concerns that are made by or on behalf of individuals who have a developmental disability and who receive services from through BDDS.

Outcome:

The desired outcomes of the program are:

1. Complaints are addressed, investigated and, when possible, resolved;
2. Promotion of effective coordination among programs that provide legal services for individuals with developmental disabilities, the division, providers for waiver services to individuals with developmental disabilities and providers of other necessary or appropriate services; and
3. Trends are identified so that recommendations for needed changes in the services delivery system can be implemented.

Waiver Ombudsman activity	CIH ¹ Waiver Total	FSW ² Waiver Total	SGL ³ Total	ESN ⁴ Total	CRMNF ⁵ Total
Adult Protective Services assistance	8	5			
Assisted Living Financial					
Assit. Living Exploitation					
Behavior Manage Financial					
Budget Issues	2				
Case Management	21				
CIH Request		8			
Client Non Participation	13				
Client Provider issues	31	11			
Comm. Hab. Health/Safety	4				
Comm. Transition					
Current Placement issue	17				4
Crisis Assistance Abuse	2				
Day Services	6				
Environmental Mods	2				
Guardian non compliance	12		2		
Health Care Health/Safety	8		2	1	
Human Rights	5				
Indep. Assistance					
Individual's request to signout	5				
Medicaid Eligibility	6				
Nursing				1	
Respite	0				
RHS ⁶ Abuse	4				
RHS Exploitation	7				
RHS Financial	4				
RHS Advocacy	35	8	3		4
RHS Prob, Habitable Reside	5				
RHS Services	17				
RHS Staffing	13				
RHS Treat/Respect	6				
RHS Health/Safety					
Roommate Issues	2				

¹ CIH is Community Integrated Habilitation (Home- and Community-Based Waiver)

² FSW is Family Supports Waiver (Home- and Community-Based Waiver)

³ SGL is Supervised Group Living (Institutional Setting)

⁴ ESN is Extensive Supports Needs (Institutional Setting)

⁵ CRMNF is Comprehensive Rehabilitative Management Needs Facility (Institutional Setting)

⁶ RHS is Residential Habilitation and Support (RHS is a service on the CIH waiver.)

Specialized Med. Equip					
Speech Therapy					
Supported Employ.	4				
Transportation	3				
Vehicle Mod. Equipment					

Trends:

While the inquiries and complaints the Waiver Ombudsman receives are focused on individual needs, the following provides a snapshot of topical areas or trends that should be noted from the Ombudsman's experience. The following trends represent potential areas of need, stakeholder education and need for effective coordination of services:

- a) Request for More Restrictive Settings. There have been a number of cases where families, teams and community members have requested assistance with seeking a more *restrictive* setting for an individual receiving services through BDDS.
- b) Number of Individuals Refusing Services. There have been a number of cases where eligible individuals have not participated in waiver services. Specifically, some individuals have refused staff, behavior management services, case management and other outside resources. As Ombudsman, it is important to help inform individual of rights and assist in the coordination of services that best fit their needs.
- c) Case Management Active Participation Needed. It is critical for case managers to be attentive to individuals' needs and help provide meaningful services and support suggestions. Many issues have been resolved with the Ombudsman's involvement to engage with the case manager, consult with the team, and offer solutions, suggestions, and additional resources.
- d) Guardianship. There is a need for great information and education regarding guardianship. When guardianship is appropriate for individuals with developmental disabilities, the process to obtain guardianship is difficult due to limited funds, availability of people wanting to be legal guardians, and lack of legal assistance. In some instances, providers becoming guardians for some individuals they service can be problematic if not done appropriately and without the recognition of potential undue influence when the provider is also providing services.
- e) Provider Notice to Consumers. As part of home- and community-based waiver services it is permissible and within regulatory guidelines for a provider to "serve notice" to a consumer/guardian. A provider provides notices to a consumer/guardian that they have 90 days to find a new provider. However, per policy, if a consumer does not find a new provider the current provider is responsible to serve the consumer until a new provider is found. Several of these situations have been brought to the Ombudsman's attention with the concern that the consumer is still being served by the provider who gave notice months after the 90-day notice.
- f) Staffing. Providers and families have expressed concern with recruiting and maintaining appropriate staffing levels. While the BDDS has positively reduced

its waitlist for the Family Supports Waiver, the increase in consumers in need of services has increased the need for staffing.